

REMARKS

Summary of the Office Action

Claims 1-6 and 10-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cluts (U.S. Patent No. 5,616,876) (hereinafter “Cluts”).

Claims 7-9 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cluts.

Summary of the Response to the Office Action

Applicants have amended claims 1 and 11 to differently describe embodiments of the disclosure of the instant application’s specification. Accordingly, claims 1-20 remain currently pending for consideration.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-6 and 10-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cluts. Claims 7-9 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cluts. Applicants have amended claims 1 and 11 to differently describe embodiments of the disclosure of the instant application’s specification. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

In the “Response to Arguments” portion of the Final Office Action dated January 20, 2006, the Examiner makes assertions that particular features discussed by Applicants in the previous response filed on November 15, 2005 are not actually described in the claims. In

response, Applicants have amended each of independent claims 1 and 11 to describe such features, for example, as the feature in which the claimed example inputting device operates on the premise that a selection by the user has not been successfully completed.

Applicants respectfully submit that the basic features of the disclosure of Cluts are explained at col. 11, line 60 - col. 14, line 11 of Cluts. In this regard, Cluts teaches an arrangement in which the names of artists and the names of the artists' albums are listed in alphabetical order. Please see col. 12, lines 46-49 of Cluts. As a result, a user can select an album, or some particular songs, so that he can make his desired playlist. This is a basic feature of the disclosure of Cluts. The "more like" function of Cluts is utilized for identifying additional music that is similar to the user's current selection. Please see col. 4, lines 49-51 of Cluts. In other words, the "more like" function of Cluts is performed on the premise that at least one selection by the user has been successfully completed. Please see also col. 16, lines 40-67 of Cluts.

On the other hand, Applicants respectfully submit that the example inputting device recited in the newly-amended independent claims 1 and 11 operates quite differently in that it inputs example information to illustrate the AV information having a characteristic indicated by the search characteristic information when the inputted search characteristic information is not included in the accumulated characteristic information. Therefore, the example inputting device performs the above processing when a search operation started in accordance with the user's instruction has not been successfully completed. In other words, the example inputting device, as described in the combination of features recited in newly-amended independent claims 1 and

11 of the instant application, operates on the premise that a selection by the user has not been successfully completed.

Therefore, Applicants respectfully submit that Cluts does not disclose, or even suggest, the example inputting device of newly-amended independent claims 1 and 11 of the instant application to any extent. As a result, the rejections should be withdrawn.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Cluts does not teach or suggest each feature of independent claims 1 and 11, as newly-amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from independent claims 1 or 11, and the reasons set forth above.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

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By:


Paul A. Fournier
Reg. No. 41,023

Customer No. 055694

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465